

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.2249 of 2007

Rohidas Arjun Kakad

..Applicant.

Vs.

The State of Maharashtra

..Respondent.

Ms P. P. Tendulkar i/b M. S. Karnik, Advocate for
the applicant.

Mr U. V. Nikam, APP for the respondent.

CORAM: V.C. DAGA,J.
DATED: 10.08.2007.

P.C.

1. Heard the learned counsel for the applicant and
the learned APP for the State.

2. Perused application and material available
on the record.

3. This matter was on board of this Court on
16.7.2007,23.7.2007, 31.7.2007,7.8.2007, and 8.8.2007.
On all these dates the Investigating Officer was not
present. According to the learned APP, the concerned
Investigating Officer was asked to remain present.
Intimation was also given on 31.7.2007. However, he
did not attend Court even on 8.8.2007. Under these
circumstances, he submits that he could not take
instructions nor could tender affidavit. The question
of liberty of the applicant is involved.

4. In the above view of the matter, in absence of any context, I am inclined to grant bail to the applicant though he is charged under Sections 302, 498-A of the I.P.C. The accused had 40% burn injury. Under these circumstances, though the wife had succumbed to the injuries, I am inclined to grant bail to the applicant on following terms and conditions.

a] The applicant, Rohidas Arjun Kakad, arrested in connection with C.R.No. 10 of 2007 registered with Lasalgaon Police Station, Taluka Niphad District Nashik shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one or two sureties in the like amount.

b] The applicant shall report to the above Police Station once in a week i.e. Monday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnish to the Investigating Officer the details about his place of residence and address where he propose to stay after he is enlarged on bail.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in

any manner, tamper with the prosecution evidence.

e] The applicant shall co-operate with the Investigating Officer in investigation.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

6. Registry is directed to send a copy of this order to the Superintendent of Police, Nashik to take action against the concerned Investigating Officer of Niphad Police Station for not remaining present in the Court inspite of specific directions in that behalf issued by the APP.

7. Application is disposed of in above terms.

(V.C.DAGA,J)